

3. Culpepper was lead counsel for Plaintiff/Judgment Creditor Animaccord Ltd. (“Animaccord”) in the action *Animaccord LTD v. Individuals, P'ships & Unincorporated Ass'ns Identified on Schedule “A”*, Case No. 1:22-cv-868 (LMB/WEF) in the Eastern District of Virginia (The “EDVA Action”) alleging liability against multiple Defendants including A&J for willful copyright infringement, willful Federal trademark infringement, Federal unfair competition, Federal dilution and trademark infringement under Virginia law of Animaccord’s Masha and the Bear Marks and Copyrighted Works.

4. On June 9, 2023 (prior to the Debtors’ petition date), the Eastern District of Virginia found that A&J’s trademark and copyright infringements were willful and awarded a final default judgment against A&J in the amount of \$25,000 in statutory damages, \$1714.40 in attorneys’ fees, and \$149.83 in costs, with post-judgment interest at the official rate and permanently enjoined A&J from infringing Animaccord’s Masha and the Bear Trademarks and Copyrighted Works. *See Animaccord LTD v. Individuals, P'ships & Unincorporated Ass'ns Identified on Schedule “A”*, No. 1:22-cv-868 (LMB/WEF), 2023 U.S. Dist. LEXIS 101050, at *8 (E.D. Va. June 9, 2023); Exhibit “1”.

5. Debtors were served a copy of the default judgment in the EDVA Action.

6. Debtors have not appealed the default judgment in the EDVA Action or otherwise sought to have it overturned.

7. Debtors failed to include the amount of the monetary judgment in the EDVA Action in their petition.

8. Culpepper attended the meeting and creditors and exchanged informal discovery with debtors' counsel. Information obtained in informal discovery leads Culpepper to believe that A&J may have insurance coverage for the judgment in the EDVA Action. Namely, Debtor's profit and loss statement for A&J mentions payments for insurance. Culpepper has requested a copy of the insurance policy from debtor's counsel.

OBJECTION TO PROPOSED PLAN

Culpepper objects to the confirmation of the Plan because it does not consider proceeds from an insurance claim or list the at least \$1714.40 of the EDVA Action judgment that is fees due to Culpepper.

Culpepper objects to the confirmation of the plan because he (and Animaccord) would be entitled to the insurance proceeds under a Chapter 7 liquidation of Debtor's estate. Thus, the Plan provides Culpepper with less than he would be entitled to under a Chapter 7 liquidation.

Culpepper further object to the confirmation of the plan to the extent that it concludes that the EDVA Action judgment is dischargeable. As A&J's

infringements of Animacords trademarks and copyrights were willful and malicious, the default judgment is nondischargeable under the provisions of 11 U.S.C. §523(a)(6).

PRAYER

WHEREFORE, Culpepper prays that this Court deny confirmation of the Plan as proposed, and grant him such other and further relief as dictated by justice.

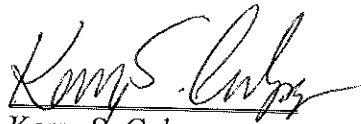
DATED: Kailua-Kona, Hawaii, Sept. 30, 2024.



Kerry S. Culpepper
75-170 Hualalai Road, Suite B204
Kailua-Kona, Hawaii 96740
Telephone: (808) 464-4047
Facsimile: (202) 204-5181
E-Mail: kculpepper@culpepperip.com
Pro se

CERTIFICATE OF SERVICE

I hereby certify that on Sept. 30, 2024, I caused a copy of the foregoing to be served upon the Parties in the attached serve matrix by first class mail.



Kerry S. Culpepper

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E-Mail: kculpepper@culpepperip.com

EXHIBIT "1"

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ANIMACCORD LTD.,)	
)	
Plaintiff,)	
)	
v.)	
)	1:22-cv-868 (LMB/WEF)
THE INDIVIDUALS, PARTNERSHIPS AND)	
UNINCORPORATED ASSOCIATIONS)	
IDENTIFIED ON SCHEDULE "A," <u>et al.</u> ,)	
)	
Defendants.)	

JUDGMENT ORDER

For the reasons stated in the accompanying Memorandum Opinion [Dkt. No. 118], plaintiff Animaccord Ltd.'s ("plaintiff") Motion for Default Judgment [Dkt. No. 102] is GRANTED IN PART as to defendant A and J Graphics LLC. Accordingly, it is hereby

ORDERED that judgment in the total amount of \$26,864.23, consisting of \$25,000 in statutory damages, \$1,714.40 in attorneys' fees, and \$149.83 in costs, with post-judgment interest at the official rate for federal judgments, be and is entered in favor of plaintiff Animaccord Ltd. against defendant A and J Graphics LLC; and it is further

ORDERED, ADJUDGED, AND DECREED that defendant A and J Graphics LLC, together with its officers, directors, employees, agents, subsidiaries, distributors, and all those in active concert or participation with it, is permanently enjoined from:

1. Manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the trademarks shown in Exhibits 1 to 4 of the

Amended Complaint (“Masha and the Bear Marks”), or any confusingly similar trademarks, other than those actually manufactured or distributed by plaintiff;

2. Using any reproduction, counterfeit, copy, or colorable imitation of the Masha and the Bear copyrighted works identified in Exhibit 5 of the Amended Complaint (“Copyrighted Works”) in connection with the publicity, promotion, sale, or advertising of any goods;

3. Using the Masha and the Bear Marks, confusingly similar trademarks, or unauthorized copies of the Copyrighted Works on or in connection with all Internet based e-commerce stores owned and operated, or controlled by it, including the Internet based e-commerce stores operating under the Seller ID “AandJGraphicsLLC”; and it is further

ORDERED that Etsy shall upon receipt of notice of this Order transfer to plaintiff Animaccord Ltd. c/o counsel Kerry S. Culpepper at 75-170 Hualalai Rd, Suite B204, Kailua Kona, Hawaii 96740, any funds currently restrained in the accounts of A and J Graphics LLC pursuant to the Temporary Restraining Order entered on August 17, 2022 [Dkt. No. 11], for payment of this judgment only; and it is further

ORDERED that upon notice from the plaintiff Animaccord Ltd. that such funds have been transferred, all third party financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms that have restrained A and J Graphics LLC’s funds pursuant to the Temporary Restraining Order entered on August 17, 2022 shall unfreeze those accounts.

To appeal any aspect of this Order, defendant must file a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry of this Order. A notice of appeal is a short statement indicating a desire to appeal, including the date of the order defendant wants to

appeal. Defendant need not explain the grounds for appeal until so directed by the court of appeals. Failure to file a timely notice of appeal waives defendant's right to appeal this decision.

The Clerk is directed to enter judgment in favor of plaintiff against defendant A and J Graphics LLC pursuant to Fed. R. Civ. P. 55, forward copies of this Order and the accompanying Memorandum Opinion to counsel of record and defendant at the address listed below, and close this civil action.

A and J Graphics LLC
3926 Wentworth Dr.
Arlington, Texas 76001

Entered this 9th day of June, 2023.

Alexandria, Virginia

/s/ LMB

Leonie M. Brinkema
United States District Judge

Label Matrix for local noticing
0539-4
Case 24-42560-mxm13
Northern District of Texas
Ft. Worth
Mon Sep 30 16:35:29 CDT 2024
501 W. Tenth Street
Fort Worth, TX 76102-3637

Bank Of America N.A.
PO Box 31785
Tampa, FL 33631-3785

Wells Fargo Bank N.A., d/b/a Wells Fargo A
PO Box 169005
Irving, TX 75016-9005

Tarrant County
Linebarger Goggan Blair & Sampson, LLP
c/o Camille Stecker
2777 N. Stemmons Freeway
Suite 1000
Dallas, TX 75207-2328
ACG Equipment
14425 Falcon Head Blvd
Bld E
Austin, TX 78738-4412

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634-2413

Bank of America N.A.
c/o McCarthy Holthus, LLP
1255 West 15th Street, Suite 1060
Plano, TX 75075-4220

Bank of America, N.A.
PO Box 673033
Dallas, TX 75267-3033

Barclaycard
Card Services
PO Box 60517
City of Industry, CA 91716-0517

Baylor Scott & White
Orthopedic and Spine
707 Highlander Blvd
Arlington, TX 76015-4319

Baylor Surgical Hospital
400 I-635
Irving, TX 75063

Best Buy Credit Services
PO Box 78009
Phoenix, AZ 85062-8009

Bill Me Later
P.O. Box 2394
Omaha, NE 68103-2394

Bk Of Amer
Attn: Bankruptcy
100 North Tryon St
Charlotte, NC 28255-0001

Bryeans and Garcia, PLLC
5001 S Cooper St, Ste 209
Arlington, TX 76017-5993

Capital One
Attn: Bankruptcy
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One N.A.
by AIS InfoSource LP as agent
PO Box 71083
Charlotte, NC 28272-1083

Citibank
P.O. Box 6500
Sioux Falls, SD 57117-6500

Comenity - Victoria's Secret
PO Box 659728
San Antonio, TX 78265-9728

(p)CREDIT CONTROL LLC
ATTN CORRESPONDENCE
3300 RIDER TRAIL S
SUITE 500
EARTH CITY MO 63045-1338

Dallas County
Linebarger Goggan Blair & Sampson, LLP
c/o Camille Stecker
2777 N. Stemmons Freeway
Suite 1000
Dallas, TX 75207-2328

Family Healthcare Assoc
PO Box 735762
Dallas, TX 75373-5762

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

(p)JAVITCH BLOCK
1100 SUPERIOR AVENUE
19TH FLOOR
CLEVELAND OH 44114-2521

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

Kerry S. Culpepper
75-170 Hualalai Rd, Ste B204
Kailua-Kona, HI 96740-1737

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Lvnm Funding/Resurgent Capital
Attn: Bankruptcy
PO Box 10497
Greenville, SC 29603-0497

Midland Credit Management, Inc.
PO Box 2037
Warren, MI 48090-2037

Midland Credit Mgmt
Attn: Bankruptcy
PO Box 939069
San Diego, CA 92193-9069

NEBRASKA FURNITURE MART
5600 NEBRASKA FURNITURE MART DR
#08444
THE COLONY, TX 75056-5348

NTTA
PO Box 660244
Dallas, TX 75266-0244

Nebraska Furniture Mart
Attn: Collections
PO Box 2335
Omaha, NE 68103-2335

Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

PayPal Credit
PO Box 960080
Orlando, FL 32896-0080

Pinnacle Credit Services, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

SANTANDER CONSUMER USA
P.O. Box 560284
Dallas, TX 75356-0284

Santander Consumer USA, Inc
Attn: Bankruptcy
PO Box 961245
Fort Worth, TX 76161-0244

Sears
PO Box 6275
Sioux Falls, SD 57117-6275

Sheffield Financial
Attn: Bankruptcy
214 N Tryon St
Charlotte, NC 28202-1078

Sheffield Financial, a division of Truist Ba
PO Box 1847
Wilson, NC 27894-1847

Synchrony Bank
by AIS InfoSource LP as agent
PO Box 4457
Houston, TX 77210-4457

Synchrony Bank/Amazon
Attn: Bankruptcy
PO Box 965060
Orlando, FL 32896-5060

Synchrony Bank/Care Credit
Attn: Bankruptcy
PO Box 965060
Orlando, FL 32896-5060

Synchrony Bank/Floor & Decor
Attn: Bankruptcy
PO Box 965060
Orlando FL 32896-5060

Synchrony Bank/Select Comfort
Attn: Bankruptcy
PO Box 965060
Orlando, FL 32896-5060

Synchrony Bank/Walmart
Po Box 965060
Orlando, FL 32896-5060

TTCU
Attn: Bankruptcy
P.O. Box 477550
Tulsa, OK 74147-7505

TTCU Federal Credit Union
PO Box 477550
Tulsa, OK 74147-7505

Tractor Supply Credit Card
PO Box 6403
Sioux Falls, SD 57117-6403

Tyler Southwick
Hyland Law PLLc
1818 Library St., Ste 500
Reston, VA 20190-6274

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

Wells Fargo Bank NA
Attn: Bankruptcy
1 Home Campus MAC X2303-01A 3rd Floor
Des Moines, IA 50328-0001

Wells Fargo Bank, N.A.
Wells Fargo Card Services
PO Box 10438, MAC F8235-02F
Des Moines, IA 50306-0438

Wells Fargo Dealer Services
Attn: Bankruptcy
1100 Corporate Center Drive
Raleigh, NC 27607-5066

Jesse Schodrof Garcia
Bryeans & Garcia, PLLC
5001 S. Cooper Street
Ste 209
Arlington, TX 76017-5993

Joi Lynn Pritchard
3926 Wentworth Drive
Arlington, TX 76001-5298

Michael Aaron Pritchard
3926 Wentworth Drive
Arlington, TX 76001-5298

Tim Truman
6851 N.E. Loop 820, Suite 300
N Richland Hills, TX 76180-6608

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Credit Control, LLC
5757 Phantom Dr, #130
Hazelwood, MO 63042

Javitch Block LLC
275 W. Campbell, Ste 312
Richardson, TX 75080

Jefferson Capital Systems LLC
PO Box 7999
St, Cloud, MN 56302-9617

PORTFOLIO RECOVERY ASSOCIATES, LLC
POB 41067
Norfolk, VA 23541

(d)Portfolio Recovery Associates
120 Corporate Blvd
Norfolk, VA 23502

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Bank of America N.A.
PO Box 31785
Tampa, FL 33631-3785

(d)Tarrant County
Linebarger Goggan Blair & Sampson, LLP
c/o Camille Stecker
2777 N. Stemmons Freeway
Suite 1000
Dallas, TX 75207-2328

(d)United States Trustee
1100 Commerce Street, Room 976
Dallas, TX 75242-0996

End of Label Matrix
Mailable recipients 60
Bypassed recipients 3
Total 63